

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Hazardous Waste Recyclable Materials

(LAC 33:V.105, 108, 109, 1501, 1705, 1717, 2247, 3001, 3873, 4101, 4103, 4105, 4107, 4109, 4111, 4113, 4115, 4117, 4119, 4121, 4123, 4125, 4127, 4129, 4131, 4133, 4135, 4139, 4141, 4143, 4145, and 4301) (HW089ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations, LAC 33:V.105, 108, 109, 1501, 1705, 1717, 2247, 3001, 3873, 4101, 4103, 4105, 4107, 4109, 4111, 4113, 4115, 4117, 4119, 4121, 4123, 4125, 4127, 4129, 4131, 4133, 4135, 4139, 4141, 4143, 4145, and 4301 (Log #HW089ft).

This proposed rule is identical to federal regulations found in 40 CFR 261.6 (2004), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the proposed rule; therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This proposed rule will reorganize LAC 33:V.Chapter 41 and repeal parts that have been incorporated into other chapters of the Hazardous Waste regulations (e.g., regulations regarding universal waste). This will eliminate the confusion of inconsistent regulations and make the state regulations consistent with the federal regulations. Upon review by the Environmental Protection Agency, inconsistencies were discovered with Chapter 41 in relation to equivalency with federal regulations and conflicting requirements in other chapters of the Hazardous Waste regulations. EPA recommended that the state delete the conflicting requirements and reestablish equivalency with the federal regulations. The rule also corrects references to sections of Chapter 41 in other parts of the Hazardous Waste regulations to reflect the reorganization of this Chapter. The basis and rationale of this proposed rule are to delete conflicting requirements and reestablish consistency with federal regulations.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on March 28, 2006, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A.

Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available in the Galvez Garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by HW089ft. Such comments must be received no later than March 28, 2006, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to judith.schuerman@la.gov. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW089ft. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Herman Robinson, CPM
Executive Counsel

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 1. General Provisions and Definitions

§105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. ~~Those wastes~~ Wastes that are excluded from regulation are found in this Section.

A. - K.2.b. ...

L. Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis

1. Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis. The administrative authority may decide on a case-by-case basis that persons accumulating or storing the recyclable materials described in LAC 33:V.41454105.C.4 should be regulated under ~~Subchapter A of LAC 33:V.4105.B and C~~ Chapter 41. The basis for this decision is that the materials are being accumulated or stored in a manner that does not protect human health and the environment because the materials or their toxic constituents have not been adequately contained, or because the materials being accumulated or stored together are incompatible. In making this decision, the administrative authority will consider the following factors:

a. – e. ...

2. Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities. The administrative authority will use the following procedures when determining whether to regulate hazardous waste recycling activities described in LAC 33:V.41454105.C.3 under the provisions of ~~Subchapter A of LAC 33:V.4105.B and C~~ Chapter 41, rather than under the provisions of ~~Subchapter C of LAC 33:V.4143~~ Chapter 41 of these regulations:

L.2.a. – O.2.c.vi. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, 220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste

Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:**.

§108. Special Requirements for Hazardous Waste Generated by Conditionally Exempt Small Quantity Generators

A. - B. ...

C. When making the quantity determinations of this Section and LAC 33:V.Chapter 11, the generator shall~~must~~ include all hazardous waste that it generates, except hazardous waste that:

1. is exempt from regulation under LAC 33:V.105.D.3-6 and 8, 109.*Empty Container*.1, and 4105.~~B~~A; or

2. ...

3. is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under LAC 33:V.~~4115.B~~4105.D; or

4. is used oil managed under the requirements of LAC 33:V.4105.~~E~~A.3 and Chapter 40; or

C.5. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:706, 716 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2540 (October 2005), LR 32:**.

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

Hazardous Waste—a *solid waste*, as defined in this Section, is a hazardous waste if:

1. - 4.b.ii.(a). ...

(b). waste from burning any of the materials exempted from regulation by LAC 33:V.4105.~~B.8 and 9~~A.1.c and d.i;

4.b.ii.(c).(i). - 6.b. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:**.

Chapter 15. Treatment, Storage, and Disposal Facilities

§1501. Applicability

A. – C.1. ...

2. the owner or operator of a facility managing recycled material described which treats or stores material which would otherwise be a hazardous waste which is being beneficially used or reused, legitimately recycled, or reclaimed as defined in LAC 33:V.4105.A Chapter 41 (except to the extent they are referred to in LAC 33:V.Chapter 40 or Sections LAC 33:V.4139, 4141, 4143, or 4145);

C.3. – H.13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:1256 (November 1992), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 23:565, 568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1106 (June 1998), LR 24:1694, 1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:277 (February 2000), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), LR 32:**.

Chapter 17. Air Emission Standards

Subchapter A. Process Vents

§1705. Applicability

A. – A.1.c. ...

2. For the owner or operator of a facility subject to the requirements of this Subchapter and who received a final permit under RCRA Section 3005 and LAC 33:V.Subpart 1 prior to December 6, 1996, the requirements of this Subchapter ~~shall~~must be incorporated into the permit when the permit is reissued under LAC 33:V.705 or reviewed under LAC 33:V.315. Until such date when the owner ~~and~~or operator receives a final permit incorporating the requirements of this Subchapter, the owner or operator ~~are~~is subject to the requirements of LAC 33:V.Chapter 43.

[NOTE: The requirements of this Subchapter apply to process vents on hazardous waste recycling units previously exempt under LAC 33:V.415.A-4105.C. Other exemptions under LAC 33:V.105.D and 1501.C are not affected by these requirements.]

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended LR 18:723 (July 1992), LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1698 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:294 (March 2001), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.

Subchapter B. Equipment Leaks

§1717. Applicability

A. - F. ...

G. Purged coatings and solvents from surface coating operations subject to the national emission standards for hazardous air pollutants (NESHAP) for the surface coating of automobiles and light-duty trucks at LAC 33:III.5122 (40 CFR Part 63, Subpart IIII), are not subject to the requirements of this Subchapter.

[NOTE: The requirements of this Subchapter apply to equipment associated with hazardous waste recycling units previously exempt under LAC 33:V.415.A-4105.C. Other exemptions under LAC 33:V.105.D and 1501.C are not affected by these requirements.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1700 (September 1998), LR 25:438 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:294 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2540 (October 2005), LR 32:**.

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2247. Owners or Operators of Treatment or Disposal Facilities: Testing, Waste

Minimization, Recordkeeping and Notice Requirements

A. – D. ...

E. Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions in LAC 33:V.4139.B-DA-2-4 regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility, in accordance with Subsection B of this Section. With each shipment of such wastes the owner or operator of the recycling facility ~~shall~~~~must~~ submit a certification described in Subsection C of this Section and a notice that includes the information listed in Subsection B of this Section (except the manifest number) to the Office of Environmental Services, Water and Waste Permits Division. The recycling facility ~~shall~~ also ~~must~~ keep records of the name and location of each entity receiving the hazardous waste-derived product.

F. – H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266, 267 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 23:566 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:670 (April 1998), LR 24:1730 (September 1998), LR 25:449 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:282 (February 2000), LR 26:2478 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2459 (October 2005), LR 32:**.

{Editor's Note: Repealed. Tables 2-10 are in LAC 33:V.2299.Appendix.}

Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces**§3001. Applicability**

A. - C.2. ...

3. hazardous wastes that are exempt from regulation under LAC 33:V.105.D and 4105.B-10-12A.1.d.ii-iii, and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under LAC 33:V.108; and

C.4. – H. ...

{NOTE: Repealed. Parts of this Section were previously promulgated in LAC 33:V.4142 which has been repealed.}

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:821, 835 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 27:297 (March 2001), LR 27:712 (May 2001), LR 29:323 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.

Chapter 38. Universal Wastes

Subchapter E. Standards for Destination Facilities

§3873. Applicability

A. ...

B. The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled must comply with LAC 33:V.4115-B4105.D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:578 (May 1997), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.

Chapter 41. Recyclable Materials

§4101. Applicability

A. – B. ...

C. A material ~~that~~^{which} is used for a purpose for which it is manufactured or produced is not a recyclable material for purposes of this Chapter.

D. ...

E. Upon determination by the generator that any material held for use, reuse, or recycling is to be discarded, such material shall no longer be considered a recyclable material and shall be handled as otherwise required in these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2498 (November 2000), LR 30:1674 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§4103. Notification

Repealed.

~~A. All operators of facilities which generate, transport, treat, store, or utilize or recycle a recyclable material that have not previously notified shall notify the department within 90 days of promulgation of these rules and regulations that they are engaged in activities involving a recyclable material as defined in LAC 33:V.109. For notification, the operator may obtain notification forms from the department.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), repealed by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§4105. Requirements for Recyclable Material

~~Recyclable materials are subject to additional regulations as follows.~~

A. Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities ~~of in Subsections B-E of this Section, Subchapter A (Group I) of this Chapter~~ except for the materials listed in Paragraphs A.1 and 2 ~~Subsections B and C of this Section~~. Hazardous wastes that are recycled will be known as *recyclable materials*.

~~B1.~~ The following recyclable materials ~~(Group II)~~ are not subject to regulation under the requirements of Subchapter B of this Section Chapter and are not subject to the notification requirements of LAC 33:V.105 or Section 3010 of RCRA ~~all applicable provisions as provided in Subchapter B of this Chapter~~:

~~1a.~~ industrial ethyl alcohol that is reclaimed, except that, unless otherwise provided in an international agreement:

~~ai.~~ a person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, ~~shall~~must comply with the requirements applicable to a primary exporter in LAC 33:V.1113.D, G, and H, export such materials only upon consent of the receiving country and in conformance with the Louisiana State Acknowledgment of Consent as defined in LAC 33:V.1113, and provide a copy of the Louisiana State Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;

~~bii.~~ a transporters transporting a shipment for export ~~shall~~may not accept a shipment if he knows the shipment does not conform to the Louisiana State Acknowledgment of Consent, ~~shall~~must ensure that a copy of the Louisiana State Acknowledgment of Consent accompanies the shipment, and ~~shall~~must ensure that it is delivered to the facility designated by the person initiating the shipment;

~~2. Reserved.~~

~~3. Reserved.~~

~~4b.~~ scrap metal that is not excluded under LAC 33:V.105.D.1.m;

~~5. Reserved.~~

~~6. Reserved.~~

~~7. Reserved.~~

~~8c.~~ fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste, where such recovered oil is already excluded under LAC 33:V.105.D.1.l);

~~d.~~ the following recyclable materials:

~~9i.~~ hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil ~~asse~~ long as the resulting fuel meets the used oil specification under LAC 33:V.4005 ~~of this Chapter~~ and ~~asse~~ long as no other hazardous wastes are used to produce the hazardous waste fuel;

~~10ii.~~ hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining, production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, ~~asse~~ long as the fuel meets the used oil fuel specification under LAC 33:V.4005; and

~~11iii.~~ oil reclaimed from oil-bearing hazardous wastes from

petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, as long as the reclaimed oil meets the used oil fuel specification under LAC 33:V.4005.

~~€2.~~ The following recyclable materials (~~Group III~~) are ~~not only~~ subject to the requirements of this Section but are regulated under LAC 33:V.Chapter 41.Subchapter C4139, 4141, 4143, and 4145, Chapter 30 and all applicable provisions as provided in LAC 33:V.Chapters 1, 3, 5, 7, 27, 31, and 43:

- ~~1a.~~ recyclable materials used in a manner constituting disposal;
- ~~2b.~~ hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under LAC 33:V.Chapters 31 or 43.Subchapter N;
- ~~3c.~~ recyclable materials from which precious metals are reclaimed;

and

- ~~4d.~~ spent lead-acid batteries that are being reclaimed;~~;~~ and
- ~~5.~~ ~~used oil that exhibits one or more of the characteristics of hazardous waste and is burned for energy recovery in boilers and industrial furnaces that are not regulated under LAC 33:V.Chapter 31 or Chapter 43.Subchapter N.~~

~~D.~~ The recyclable materials listed in Paragraph D.1 of this Section are subject to all requirements and provisions of Paragraph D.2 of this Section.

~~1.~~ Any hazardous waste-derived product produced by any commercial hazardous waste incineration facility that accepts hazardous waste or hazardous waste products for a fee, or any commercial recycling or resource recovery facility that recycles hazardous waste to produce aggregates and that accepts hazardous wastes or hazardous waste products for a fee, provided that such derived product is:

- ~~a.~~ inherently waste-like;
- ~~b.~~ accumulated speculatively;
- ~~c.~~ used as a fuel; or
- ~~d.~~ used in a manner constituting disposal.

~~2.~~ Recycling facilities and other entities receiving, handling, shipping, or selling the derived product from the point of production to the ultimate use of the product shall maintain for a period of three years from the date of transaction such records as needed to furnish the following information to the department upon request:

- ~~a.~~ the name and location of each entity receiving the hazardous waste-derived product. This is to include the names, business addresses, telephone numbers, and functions of all brokers, wholesalers, middlemen, interim purchasers, and all other parties involved in any and all transactions relating to the derived product from the point of production by the recycler to the product's ultimate use;
- ~~b.~~ the date of each shipment, the physical state and description of the hazardous waste-derived product shipped, and the total quantity of the product shipped by units of weight. If the weight is unknown, the volume and estimated weight should be provided;
- ~~c.~~ copies of analytical results;
- ~~d.~~ all financial documents necessary to verify all transactions and/or transfers involving the derived product, including:

~~i.~~ individual sales invoices to verify the sales price of each financial transaction;

~~ii.~~ state or federal tax documents or other official receipts to verify total quarterly sales of the derived product by the recycler; and

~~iii. all other documents necessary to verify any type of financial transaction involving transfer of the product, including such arrangements as donations, tax credits, producer paying shipping charges, or producer paying another party to receive the product.~~

~~E3.~~ Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of LAC 33:V.Subpart 1, but is regulated under LAC 33:V.Chapter 40. Used oil that is recycled includes any used oil ~~that~~^{which} is reused, following its original use, for any purpose (including the purpose for which the oil was originally used). ~~The~~^{Such} term includes, but is not limited to, oil ~~that~~^{which} is re-refined, reclaimed, burned for energy recovery, or reprocessed.

~~F4.~~ Hazardous waste that is exported to or imported from designated member countries of the Organization for Economic Cooperation and Development (OECD) (as defined in LAC 33:V.1113.I.1.a) for the purpose of recovery is subject to the requirements of LAC 33:V.Chapter 11.Subchapter B, if it is subject to either the manifesting requirements of LAC 33:V.Chapter 11 or to the universal waste management standards of LAC 33:V.Chapter 38.

B. Generators and transporters of recyclable materials are subject to the applicable requirements of LAC 33:V.Chapters 11 and 13 and the notification requirements of LAC 33:V.105, except as provided in Paragraph A.1 of this Section.

C. Owners and operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of LAC 33:V.Chapters 3, 5, 9, 11, 15, 19, 21, 22, 23, 29, 33, 35, and 37, and Chapter 43.Subchapters A-K; and the notification requirements of LAC 33:V.105.A, except as provided in Subsection A of this Section. The recycling process itself is exempt from regulation, except as provided in Subsection E of this Section.

D. Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in Subsection A of this Section:

1. notification requirements of LAC 33:V.105.A;
2. LAC 33:V.905 and 907, dealing with the use of manifest and manifest discrepancies; and
3. Subsection E of this Section.

E. Owners or operators subject to LAC 33:V.Subpart 1 permitting requirements with hazardous waste management units that recycle hazardous wastes are subject to the requirements of LAC 33:V.Chapter 17 and Chapter 43.Subchapters Q-R.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:219 (March 1990), LR 17:362 (April 1991), repromulgated LR 18:1256 (November 1992), amended LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:837 (September 1996), LR 23:579 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), LR 24:1108 (June 1998), LR 24:1742 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§4107. SpillsRepealed.

~~A. Any spill of recyclable material that could possibly endanger human health or adversely affect the environment shall be reported to the department in accordance with LAC 33:I.Chapter 39.~~

~~B. If a spill occurs on the site of a generator or a reuse-recycle facility that handles recyclable materials and that spill could endanger the public health or affect the environment offsite, the department and the Department of Public Safety have the authority to enter the site and investigate the spill.~~

~~C. Owners of the spilled material are considered to be generators for the purposes of these regulations. In an emergency situation, all reporting and manifest requirements of these rules and regulations for generators may be suspended. However, the owners of the material must submit a full report on the spill, including location of spill, type of material spilled, cause of spill, amount of spilled material, damages incurred, and how the spilled material was cleaned up, transported, and disposed of. This report shall be forwarded to the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC), no later than 20 days following the spill.~~

~~D. Whenever a spill of recyclable material occurs that requires immediate removal to protect human health or the environment, the transporter shall immediately notify the Office of Environmental Compliance in accordance with LAC 33:I.3923.~~

~~E. The generator, transporter, reuse facility, recycle facility, or user shall clean up all of the spilled material or take such action as may be required pursuant to the Emergency Response System so that the spilled material no longer presents a hazard to human health or the environment.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2498 (November 2000), LR 30:1674 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2474 (October 2005), repealed LR 32:**.

§4109. ViolationsRepealed.

~~A. No person shall accept any recyclable material unless it is delivered with a properly completed manifest as required by Subchapters A and C of this Chapter or under an Emergency Action Authorization pursuant to LAC 33:V.701.~~

~~B. No person shall dispose of a recyclable material except by bonafide use, reuse, recycling, or reclamation or by treatment, storage, or disposal as a hazardous waste in accordance with these regulations.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985),

amended LR 11:1139 (December 1985), LR 17:366 (April 1991), repealed by the Office of the Secretary, Legal Affairs Division, LR 32:**.

Subchapter A. Special Requirements for Group I Recyclable Materials—Repealed

§4111. Applicability

Repealed.

~~A. Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities except for the materials listed in LAC 33:V.4105.B and C.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), repealed by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§4113. Generator, Transporter, and Notification Requirements

Repealed.

~~A. Generators and transporters of recyclable materials are subject to the applicable requirements of LAC 33:V.Chapters 11 and 13 and the notification requirements of LAC 33:V.105 except as provided in LAC 33:V.4105.B.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), repealed by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§4115. Owners and Operators of Facilities that Store or Recycle Recyclable Materials

Repealed.

~~A. Owners and operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of LAC 33:V.Chapters 3, 5, 9, 11, 15, 19, 21, 22, 23, 29, 33, 35, 37, and Subchapters A-K of LAC 33:V.Chapter 43 and the notification requirements under LAC 33:V.105.A, except as provided in LAC 33:V.4105.A. (The recycling process itself is exempt from regulations, except as provided in LAC 33:V.4115.C.)~~

~~B. Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in LAC 33:V.4105.A:~~

~~1. notification requirements under LAC 33:V.105.A;~~
~~2. LAC 33:V.905 and 907 (dealing with the use of manifest and manifest discrepancies); and~~

~~3. LAC 33:V.4115.C.~~

~~C. Owners or operators subject to LAC 33:V.Subpart 1 permitting requirements with hazardous waste management units that recycle hazardous wastes are subject to the requirements of LAC 33:V.Chapter 17 and Subchapters Q-R of LAC 33:V.Chapter 43.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 15:378 (May 1989), LR 16:220 (March 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 21:944 (September 1995), LR 22:21 (January 1996), repealed by the Office of the Secretary, Legal Affairs Division, LR 32:**.

Subchapter B. Special Requirements for Group II Recyclable Materials—Repealed

§4117. Applicability

Repealed.

~~A. The requirements of this Subchapter and all applicable provisions as provided in this Subchapter apply to industrial ethyl alcohol that is reclaimed; sludges and by products exhibiting a characteristic of a hazardous waste which are reclaimed. The following wastes are exempt from regulations:~~

- ~~1. scrap metal;~~
- ~~2. fuels produced from the refining of oil bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices;~~
- ~~3. oil reclaimed from hazardous waste resulting from normal petroleum refining, production, and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;~~
- ~~4. coke from the iron and steel industry that contains hazardous waste from the iron and steel production process;~~
- ~~5. wastes described in LAC 33:V.4105.B.1-14 which are used or reused on-site or stored at the generator site prior to such use or reuse on-site are exempt from these regulations except that on-site storage shall be in an environmentally sound manner;~~
- ~~6. used batteries (or used battery cells) returned to a battery manufacturer for regeneration except for storage requirements under LAC 33:V.4119;~~
- ~~7. used oil that exhibits one or more of the characteristics of hazardous waste but is recycled in some manner other than being burned for energy recovery.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 12:320 (May 1986), LR 13:237 (April 1987), LR 13:433 (August 1987), LR 20:1000 (September 1994), repealed by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§4119. Storage

Repealed.

~~A. Except waste exempt in LAC 33:V.4117 all storage of recyclable materials described in LAC 33:V.4117 shall be in containers or tanks meeting the applicable standards of LAC 33:V.2103, 2105, 2107, 2109.A, 2111, and 2113, LAC 33:V.1903.A-D, 1905, 1907, and 1909 where practical except as otherwise specified in Subchapters A and C of this Chapter. Used batteries or used battery cells returned for manufacturer regeneration may be stored on pallets~~

~~provided such storage contains the contents of the batteries or battery cells and is protective of human health and the environment. When it is impractical to store a recyclable material in containers or tanks, or in the manner described for used batteries or used battery cells, alternate storage acceptable to the administrative authority shall be provided by the owner of the material. The storage of all recyclable materials described in LAC 33:V.4117 must be in a manner which will prevent any release of the materials or constituents that would endanger the public health or the environment.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 13:237 (April 1987), repealed by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§4121. Manifest Forms and Shipping Documents

Repealed.

~~A. Manifest forms containing the information required by this Chapter shall be used for all off-site shipments, except by pipeline, of recyclable material described in LAC 33:V.4117. The manifest form must be obtained from the department.~~

~~B. Recyclable materials described in LAC 33:V.4117 may be collected and manifested on a trip ticket listing with the manifesting requirements fulfilled by the transporter. The listing shall show the identification of the transporter and reuse facility with a listing of the waste collected by identification, quantity, and source, on a form available from or approved by the administrative authority.~~

~~C. Failure to utilize a manifest form for shipments of recyclable materials shall be a violation of LAC 33:V.Subpart 1.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 17:366 (April 1991), LR 18:1256 (November 1992), repealed by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§4123. Manifest Document Flow

Repealed.

~~A. The generator initiates the manifest by filling out his or her portion and providing the name, address, telephone number, and active EPA identification number of each transporter, and the name, address, telephone number, and active EPA identification number of the recycling facility that will receive the recyclable material. After the initial transporter signs and dates the manifest accepting the recyclable material, the generator retains one copy for his or her files, mails a copy to the administrative authority of the state where the waste was generated, and the original and remaining copies accompany the recyclable material shipment.~~

~~B. The transporter secures the signature of the operator of the facility that will receive the recyclable material upon delivery of the recyclable material. The transporter retains one copy for his or her files and gives the original and remaining copies to the facility operator.~~

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~~C. The facility operator fills out his or her portion, retains a copy for his or her files, submits the original to the department no later than seven days thereafter, and sends all remaining copies to the generator and other appropriate parties no later than seven days after delivery of the recyclable material.~~

~~D. If a recycle facility refuses to accept a recyclable material for use, the facility operator must notify the Office of Environmental Services, Environmental Assistance Division immediately and provide the following information:~~

- ~~1. name of the person reporting the refusal and phone number for that person;~~
- ~~2. name and address of the transporter;~~
- ~~3. name and address of the generator;~~
- ~~4. name and address of the recycle facility operator;~~
- ~~5. date, time, and place of the refusal;~~
- ~~6. description of the incident; and~~
- ~~7. classification, name, and amount of recyclable material, to the extent available.~~

~~E. The signing of the manifest by the generator, transporter, or facility operator certifies that to the best of his knowledge his portion of the manifest is accurately and correctly filled out. The generator further certifies that the material is properly packaged, marked and labeled and is in the proper container for transportation.~~

~~F. The generator, transporter, and facility operator are required to report to the department any irregularities between the materials actually received and the materials described on the manifest, or any other irregularities, within five days.~~

~~G. For rail shipments, the generator may comply with the requirements of LAC 33:V.1107.D.4 and 5.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 17:366 (April 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2498 (November 2000), repealed by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§4125. Procedures Governing the Generator's Portion of the Manifest System

Repealed.

~~A. Generators of recyclable material shall use a manifest form as required by LAC 33:V.4121.~~

~~B. In naming a recyclable material, a generator shall use the nomenclature for the material which otherwise would be required under these regulations if the material were subject to regulations under LAC 33:V.Chapter 11. Such description of the material shall be used on the material manifest and in all reports on the material required under this Chapter.~~

~~C. A single manifest may be used for multiple loads of recyclable material, provided that:~~

- ~~1. all loads of recyclable material are shipped on the same day from the same location by the same transporter to the same facility;~~
- ~~2. all loads are accompanied by a copy of the manifest and emergency~~

information as required by LAC 33:V.4125;

- 3. ~~the recyclable material in all loads has the same shipping description and hazard class;~~
- 4. ~~the total quantity of each load is specified and is initialed by the generator and transporter; and~~
- 5. ~~the operator of the transport vehicle for each load is listed on the manifest.~~
- D. ~~Generators must provide a Chem Card or similar emergency card or a statement concerning the hazardous nature of the material and general guidelines for an emergency situation involving the recyclable material to accompany the manifest on shipments and loads.~~
- E. ~~In naming a recyclable material, a generator shall:~~
 - 1. ~~use the proper Department of Transportation (DOT) shipping name (identified in 49 CFR 172);~~
 - 2. ~~if the DOT proper shipping name is "NOT OTHERWISE SPECIFIED" (NOS), then the classification system of LAC 33:V.105.B shall be used after the DOT proper shipping name, "NOS".~~
- F. ~~If the recyclable material is to be transported out of state, the generator will be responsible for receiving the completed, signed manifest from the out of state facility.~~
- G. ~~Generators must obtain written confirmation of the acceptability of the type of recyclable material from the operator of the facility where the material will be used or stored prior to use, before shipping the recyclable material.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 17:367 (April 1991), repealed by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§4127. Procedures Governing the Transporter's Portion of the Manifest System

Repealed.

A. ~~Transporters will pick up and ship only those recyclable materials which are properly prepared for shipment, are accompanied by a properly completed manifest, and appear to be the recyclable material described on the manifest.~~

B. ~~Transporters who pick up recyclable material from generators exempted by LAC 33:V.105.B are responsible for the generator manifest requirements of this Section. Transporters may use a single manifest for shipments containing recyclable material from several generators if all generators are listed; all recyclable materials are accurately described, the materials transported in the same shipment are compatible, and the material is labeled as required in this Section by transportation regulations for hazardous materials promulgated by the Louisiana Department of Public Safety.~~

C. ~~If the facility rejects a shipment of recyclable material, the transporter shall return it to the generator, notify the Office of Environmental Services, Environmental Assistance Division of the action immediately, and give reasons to his best understanding why the material was rejected.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality,

Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2498 (November 2000), repealed by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§4129. Procedures Governing the Portion of the Manifest System for the Recycle Facility
Repealed.

~~A. The operator of a facility accepting out of state recyclable materials is responsible for all the requirements of this Section, including requiring the generator to initiate a manifest.~~

~~B. Only those recyclable materials which are properly manifested and properly shipped are to be accepted by the operator of the facility.~~

~~C. If the operator of the facility rejects any recyclable material he is to notify the Office of Environmental Services, Environmental Assistance Division immediately and give reasons for the rejection.~~

~~D. The operator of any facility that uses or stores a reusable material will assume all the responsibilities of a generator established by these regulations for any recyclable material transported from his facility to another facility, except for material rejected under LAC 33:V.4127.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2498 (November 2000), repealed by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§4131. Recordkeeping

Repealed.

~~A. Generators, transporters, storers and recyclers that handle recyclable materials shall maintain the required manifests, annual reports and exception reports for a period of three years.~~

~~B. An annual report shall be submitted by generators, storers and recyclers of recyclable materials and recycle facilities. The reports shall be submitted by March 1 after the end of the calendar year and shall include:~~

- ~~1. materials handled;~~
- ~~2. quantities;~~
- ~~3. physical state; and~~
- ~~4. for the recyclers, the final utilization or disposition of the recyclable materials.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 12:320 (May 1986), LR 17:367 (April 1991), repealed by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§4133. Personnel TrainingRepealed.

~~A. All generators, storers and recyclers shall institute a personnel training program covering all portions of the facility that handle recyclable material.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 12:320 (May 1986), repealed by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§4135. Contingency PlanRepealed.

~~A. Each generator, storer and recycler shall prepare a contingency plan, outlining steps to be taken in the case of spills, fires, releases and other emergency situations.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 12:320 (May 1986), repealed by the Office of the Secretary, Legal Affairs Division, LR 32:**.

Subchapter C. Special Requirements for Group III Recyclable Materials—Repealed**§4139. Recyclable Materials Used in a Manner Constituting Disposal**A. Applicability

~~1. The regulations of~~ This Section applies to recyclable materials that are applied to or placed on the land without being mixed with any other substance(s) or after being mixed or combined with any other substance(s). These materials will be referred to throughout this Section as "*materials used in a manner that constitutes disposal.*"

~~B.2. Except for the requirements of LAC 33:V.4105.D, p~~ Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation if:

1a. the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means; and

2b. such products meet the applicable treatment standards in LAC 33:V.Chapter 22.Subchapter ~~A~~B (or applicable prohibition levels in LAC 33:V.2209 or 2215~~3~~, where no treatment standards have been established), or Section 3004(d) of RCRA for each recyclable material (i.e., hazardous waste constituent) that they contain.

C.3. Fertilizers that contain recyclable materials are not subject to regulation provided that:

1a. they are zinc fertilizers excluded from the definition of *solid waste* according to LAC 33:V.105.D.1.u; or

2b. they meet the applicable treatment standards in LAC 33:V.2223 for each hazardous waste that they contain.

D4. Anti-skid/de-icing uses of slags, which are generated from high temperature metals recovery (HTMR) processing of hazardous wastes K061, K062, and F006, in a manner

constituting disposal are not covered by the exemption in ~~Paragraph A.3~~Subsection C of this Section and remain subject to regulation.

B. General Requirements

~~1. Generators and transporters of materials that are used in a manner that constitutes disposal are subject to all the requirements of LAC 33:V.Chapters 11 and 13, and LAC 33:V.105.A of these regulations, and the notification requirement under Section 3010 of RCRA or 105.A.~~

~~2. Owners and operators of facilities that store recyclable materials that are to be used in a manner that constitutes disposal but who are not the ultimate users of the materials are regulated under all applicable provisions of LAC 33:V.Chapters 3, 5, 7, 9, 11, 15, 19, 21, 23, 29, 33, 35, 37; Subchapters A-L of Chapter 43; and the notification requirement under Section 3010 of RCRA or 105.A.~~

~~3. Owners and operators of facilities that use recyclable materials in a manner that constitutes disposal are regulated under all applicable provisions of LAC 33:V.Chapters 3, 5, 7, 9, 11, 15, 19, 21, 22, 23, 25, 27, 29, 31, 33, 35, 37; Subchapters A-M of Chapter 43; and the notification requirement under Section 3010 of RCRA or 105.A. (These requirements do not apply to products which contain these recyclable materials under the provisions of LAC 33:V.4139.A.2.)~~

~~4. The use of waste or used oil or other material that is contaminated with dioxin or any other hazardous waste (other than a waste identified solely on the basis of ignitability) for dust suppression or road treatment is prohibited.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 15:378 (May 1989), LR 16:220 (March 1990), LR 17:367 (April 1991), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 22:21 (January 1996), repromulgated LR 22:100 (February 1996), amended LR 23:566 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998); amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:1684 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§4141. General Requirements for Recyclable Materials Used in a Manner Constituting Disposal

A. Generators and transporters of materials that are used in a manner that constitutes disposal are subject to all the requirements of LAC 33:V.Chapters 11 and 13, and the notification requirements under Section 3010 of RCRA and LAC 33:V.105.

B. Owners and operators of facilities that store recyclable materials that are to be used in a manner that constitutes disposal, but who are not the ultimate users of the materials, are regulated under all applicable provisions of LAC 33:V.Chapters 3, 5, 7, 9, 11, 15, 19, 21, 23, 29, 33, 35, and 37, and the notification requirements of Section 3010 of RCRA and LAC 33:V.105.

C. Owners and operators of facilities that use recyclable materials in a manner that constitutes disposal are regulated under all applicable provisions of LAC 33:V.Chapters 3, 5, 7, 9, 11, 15, 19, 21, 22, 23, 25, 27, 29, 31, 33, 35, and 37, and the notification requirements of Section 3010 of RCRA and LAC 33:V.105. These requirements do not apply to products that

contain these recyclable materials under the provisions of LAC 33:V.4139.B.

D. The use of waste or used oil or other material that is contaminated with dioxin or any other hazardous waste (other than a waste identified solely on the basis of ignitability) for dust suppression or road treatment is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:**.

§4143. Recyclable Materials Utilized for Precious Metal Recovery

A. Applicability. ~~The regulations of~~ This Section applies to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, and any combination of these.

B. ~~Requirements for Persons Who Generate, Transport, or Store Recyclable Materials.~~ Persons who generate, transport, or store recyclable materials that are regulated under this Section are subject to the following requirements:

1. all such persons shall comply with the notification requirements under Section 3010 of RCRA and LAC 33:V.105-A;
2. generators must manifest all loads shall operate in accordance with LAC 33:V.4107 ~~Chapter 11;~~
3. transporters must manifest all loads shall operate in accordance with LAC 33:V.4307 ~~and 1309 Chapter 13;~~
4. persons who store must manifest all loads shall operate in accordance with LAC 33:V.905 ~~and 907 Chapter 9; and~~
5. ~~generators are subject to the requirements of Subchapter B of this Chapter; and~~
56. persons who precious metals exported precious metals to or imported precious metals from designated OECD member countries for recovery are subject to the requirements of LAC 33:V. Chapter 11. Subchapter B and LAC 33:V.4311. Persons who Precious metals exported precious metals to or imported precious metals from non-OECD countries for recovery are subject to the requirements of LAC 33:V.1113 and 1123.

C. ~~Requirements for Persons who Store Recycled Materials.~~ Persons who store recycled materials regulated under this Section ~~shall~~ must keep the following records to document that they are not accumulating these materials speculatively, as defined in LAC 33:V.109:

1. ~~records showing~~ the volume of these materials stored at the beginning of the calendar year;
2. the amount of these materials generated or received during the calendar year; and
3. the amount of these materials remaining at the end of the calendar year.

D. Recyclable materials that are regulated under ~~LAC 33:V.4111~~ this Section that are accumulated speculatively are subject to all applicable provisions of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), amended by the Office of Waste Services, Hazardous

Waste Division, LR 24:685 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§4145. Spent Lead-Acid Batteries Being Reclaimed

A. Applicability. ~~Are spent lead-acid batteries exempt from hazardous waste management requirements?~~ If you generate, collect, transport, store, or re-generate lead-acid batteries for reclamation purposes, you may be exempt from certain hazardous waste management requirements. Use the following table to determine which requirements apply to you. Alternatively, you may choose to manage your spent lead-acid batteries under the Universal Waste rule in LAC 33:V.Chapter 38.

| If Your Batteries: | And If You: | Then You: | And You: |
|---|--|---|--|
| 1. will be reclaimed through regeneration (such as by electrolyte replacement); | | are exempt from LAC 33:V. Subpart 1 except for LAC 33:V. Chapters 1 and 49, and LAC 33:V.1103 and 3105, Table 1, and the notification requirements at Section 3010 of RCRA <u>and</u> LAC 33:V.105; | are subject to LAC 33:V. Chapters 1 and 49 and LAC 33:V.1103 and 3105, Table 1. |
| 2. will be reclaimed other than through regeneration; | generate, collect, and/or transport these batteries; | are exempt from LAC 33:V. Subpart 1 except for LAC 33:V.Chapters 1 and 49, and LAC 33:V.1103 and 3105, Table 1, and the notification requirements at Section 3010 of RCRA <u>and</u> LAC 33:V.105; | are subject to LAC 33:V. Chapters 1 and 49 and LAC 33:V.1103 and 3105, Table 1, and applicable provisions under LAC 33:V.Chapter 22. |

| If Your Batteries: | And If You: | Then You: | And You: |
|---|--|--|--|
| 3. will be reclaimed other than through regeneration; | store these batteries, but you aren't the reclaimer; | are exempt from LAC 33:V. Subpart 1 except for LAC 33:V.Chapters 1 and 49, and LAC 33:V.1103 and 3105, Table 1, and the notification requirements at Section 3010 of RCRA <u>and</u> LAC 33:V.105; | are subject to LAC 33:V. Chapters 1 and 49 and LAC 33:V.1103 and 3105, Table 1, and applicable provisions under LAC 33:V.Chapter 22. |
| 4. will be reclaimed other than through regeneration; | store these batteries before you reclaim them; | must comply with LAC 33:V.4145.B and, as appropriate, other regulatory provisions described in LAC 33:V.4145.B; | are subject to LAC 33:V. Chapter 49 and LAC 33:V.1103 and 3105, Table 1, and applicable provisions under LAC 33:V.Chapter 22. |
| 5. will be reclaimed other than through regeneration; | don't store these batteries before you reclaim them; | are exempt from LAC 33:V. Subpart 1 except for LAC 33:V. Chapters 1 and 49 and LAC 33:V.1103 and 3105, Table 1, and the notification requirements at Section 3010 of RCRA <u>and</u> LAC 33:V.105; | are subject to LAC 33:V. Chapter 49 and LAC 33:V.1103 and 3105, Table 1, and applicable provisions under LAC 33:V.Chapter 22. |

B. Requirements. ~~If I store spent lead-acid batteries before I reclaim them, but not through regeneration, which requirements apply?~~ The requirements of this ~~Subs~~Section apply to you if you store spent lead-acid batteries before you reclaim them, but you don't reclaim them through regeneration. The requirements are slightly different depending on your RCRA permit

status.

1. For interim status facilities, you must comply with:
 - a. notification requirements under Section 3010 of RCRA and LAC 33:V.105;
 - b. all applicable provisions in LAC 33:V.~~4301-4306~~Chapter 43;
 - c. ~~all applicable provisions in LAC 33:V.Chapter 43.Subchapter A,~~
 - except LAC 33:V.4313 (waste analysis); and
 - d. ~~all applicable provisions in LAC 33:V.Chapter 43.Subchapters B and C;~~
 - e. ~~all applicable provisions in LAC 33:V.Chapter 43.Subchapter D,~~
 - except LAC 33:V.4353 and 4355 (dealing with the use of the manifest and manifest discrepancies); and
 - f. ~~all applicable provisions in LAC 33:V.Chapter 43.Subchapters E-K; and~~
 - ~~cg.~~ all applicable provisions in LAC 33:V.Chapters 3, 5, and 7.
2. For permitted facilities, you must comply with:
 - a. notification requirements under Section 3010 of RCRA and LAC 33:V.105;
 - b. all applicable provisions in LAC 33:V.~~1501~~Chapter 15, except LAC 33:V.1519, 1521, 1523, 1525, 1527, 1529, and 1531;
 - c. ~~all applicable provisions in LAC 33:V.1503, 1504, 1507, 1509, 1515, and 1517;~~
 - d. ~~all applicable provisions in LAC 33:V.1511 and 1513;~~
 - ce. all applicable provisions in LAC 33:V.Chapter 9, ~~but not except~~
 - LAC 33:V.905 ~~or and~~ 907 (dealing with the use of the manifest and manifest discrepancies); and
 - df. all applicable provisions in LAC 33:V.~~1505,~~ and Chapters 3, 5, 7,
 - 19, 21, 23, 29, 33, 35, and 37; ~~and~~
 - g. ~~all applicable provisions in LAC 33:V.Chapters 3, 5, and 7.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 13:237 (April 1987), LR 23:579 (May 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:287 (February 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.

Chapter 43. Interim Status

§4301. Purpose and Applicability

A. - C.4. ...

5. the owner and operator of a facility managing recyclable materials described in LAC 33:V.4105.A.1-3, B, C, and E (except to the extent they are referred to in LAC 33:V.Chapter 40 or LAC 33:V.4139, 4143, or 4145);

C.6. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:2498 (November 2000), LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2474 (October 2005), LR 31:3121 (December 2005), LR 32:**.